RULES OF PROCEDURES

of the

FREDERICK COUNTY PLANNING COMMISSION

December 11, 1973, as adopted with Amendments to October 19, 2005 EFFECTIVE JANUARY 1, 2006 Sections with Substantive Amendments noted by date (00-00-00)

FOREWORD

The <u>Rules of Procedure</u> are issued to assist the Frederick County Planning Commission, its staff and other County agencies in the orderly and efficient conduct of all matters with which the Commission is concerned.

OBJECTIVE

The Frederick County Planning Commission seeks to conduct all business which may properly come before it by law or custom to secure the harmonious development of the entire County for the benefit of its present and future inhabitants. The Commission will conduct its business in accordance with the provisions of Article 66B of the Annotated Code of Maryland as well as these rules of procedure. (01-20-99)

SECTION 1 – DEFINITIONS

- 1.1 The word "Commission" shall refer to the County Planning Commission.
- 1.2 "Recognized Organization" shall mean any group that has provided to the planning commission all of the following: a copy of its bylaws which must be adopted 90 days prior to the commission meeting, and a formally executed resolution from their board of directors authorizing that person(s) speaking on behalf of the organization for that matter. (10-19-05)

SECTION 2 – OFFICERS AND COMMITTEES

- 2.1 The Commission shall organize annually in the month of September and elect a Chairman, Vice-Chairman and Secretary. (10-19-05)
- 2.2 The Chairman or in the Chairman's absence, the Vice-Chairman or Secretary, shall preside at all meetings or hearings of the Commission. In the absence of an officer, the member with most current continuous Planning Commission service shall preside. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Commission members present. (01-20-99) (10-19-05)
- 2.3 A designated member of the County Commissioners may serve as a non-voting liaison or may be a member of the Commission having all the rights and

- privileges of the regularly appointed members, and serve in an ex-officio capacity concurrent with his official term. (04-12-77) (01-20-99)
- 2.4 Special committees may be appointed by the Commission for special purposes or study.

<u>SECTION 3 – MEETINGS</u>

- 3.1 <u>Regular meetings</u> shall be held on the 2nd and 3rd Wednesdays of each month. If additional time is needed, the (4th) Wednesday shall also be set aside as a regular meeting date. The staff shall give each member 48 hours or more notice of change of date of the meeting. (02-14-79) (01-20-99) (09-15-04)
- 3.2 <u>Special meetings and workshops</u> may be called by the Chairman or in the Chairman's absence the Vice-Chairman. Reasonable notice of a special meeting shall be given each member, 48 hours or more before said meeting. Meetings requiring advertisement or other notice may be called only after the appropriate notice or advertisement is provided. (01-20-99)
- 3.3 <u>Attendance</u> It shall be the duty of each member to attend all meetings. Should any member be absent from one-half or more of all meetings held during the year, the Commission shall recommend to the Board of County Commissioners that the member's resignation be requested, unless determined by vote of a majority of Commission members that there is a sufficient excuse for non-attendance.

SECTION 4 – VOTING

- 4.1 A quorum shall consist of a majority of the existing membership.
- 4.2 The order of business shall be in accord with the agenda.
- 4.3 Questions put to a vote are decided by a majority of the members present and voting, assuming a quorum is present. No decision may be made in the absence of a quorum.
- 4.4 A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No- Recommendation". If a motion can not be approved on non-advisory matters (ie subdivision, site plan, PUD Phase II etc) then the matter shall be deemed "not approved" but may be brought back before the Commission by the Applicant. (01-20-99)
- 4.5 No member shall vote on a matter in which he (she) has personal involvement or as otherwise specified in the County's Ethics Ordinance. Members recusing themselves from a commission matter shall leave the room for the duration the matter is being considered. Members are encouraged to consult the

- Commission's counsel as to the propriety of their voting on any matter which may involve a conflict of interest. (01-20-99) (10-19-05)
- 4.6 In order to be eligible to vote, a member must attend all relevant meetings or review the audio, video or transcript of any meetings from which the member was absent. (01-20-99)
- 4.7 Members' votes shall be recorded on each motion. A member present but not voting in an audible manner shall have his vote counted as affirmative, unless the member specifically signifies a negative or other vote or abstention. The chair shall announce the results of each vote. (01-20-99) (09-15-04)

SECTION 5 – CONDUCT OF COMMISSION MEMBERS

- 5.1 <u>Speaking for the Commission</u> A member will not appear to speak for the Commission except as authorized by the Commission. In any public or private statement concerning Commission affairs, members will carefully indicate whether they are speaking for the Commission or for themselves.
- 5.2 <u>Ethics Ordinance</u> Commission members are subject to and must comply with the County Ethics Ordinance. (01-20-99)
- 5.3 <u>Conduct at meetings</u> Members shall conduct themselves at Commission meetings in a fair, understanding and gracious manner. They shall seek to be considerate of all individuals, attitudes and differenced of opinion involved in official Commission business.
- **5.4** Being recognized Commission members shall only speak after being recognized by the chair. (09-15-04)

SECTION 6 – MEETINGS

- 6.1 All agenda items that require an advertised public hearing shall be preceded by notices as prescribed by law and these rules. Public notices shall appear in a local newspaper of general circulation at least 14 days before the meeting date unless otherwise specified by the law. Written notice shall be given to adjacent property owners when required at least 7 days before the hearing date. (04-12-77) (09-15-04)
- 6.2 Commission meetings shall be public meetings and subject to the Maryland Open Meeting Act. Any person is entitled to appear and be heard by the Commission before it reaches a decision on any matter. Except as otherwise permitted by the Maryland Open Meetings Act, voting shall be held during a public meeting and the Commission shall keep an open record of its resolutions, proceedings and actions which shall be available for public inspection during business hours. Nothing contained herein shall be construed to prevent the Commission from holding closed sessions for discussion of those items as permitted under the Maryland Open Meetings Act. (04-12-77) (01-20-99)

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- 6.3 Recording of Proceedings It shall be the duty of the Secretary, assisted by the Commission's staff, to keep a true and accurate record of all proceedings at all meetings and public hearings. A video or audio recording may be accepted as the official record. Minutes shall be prepared, distributed to the individual members, and if approved by the Commission, placed in a record book or file. The Secretary or presiding officer at the meeting shall sign the minutes, resolutions, and other official documents, as adopted or approved.
- Anyone may appear in his/her own behalf or be represented by an agent or attorney at a Commission meeting. In the absence of any appearance on behalf of the Applicant the Commission will proceed to dispose of the matter on record before it or may table the item and will only be rescheduled upon proper request by the Applicant.
- 6.5 The ordinary order of hearing and time limits for testimony (EXCEPT AS PROVIDED IN SECTION 6.6) shall be as follows:

Staff Report & Recommendation

The Applicant or the Applicant's Agent or Attorney (15 minutes)

Public Comment (3 minutes per individual or 10 minutes per recognized organization.

Applicant's Rebuttal (5 minutes)

Additional time for Applicant or public presentation may be requested in writing 15 days in advance of the meeting. Decisions on whether to grant the additional time shall be made by the Planning Commission by majority vote. (01-20-99) (10-19-05)

- 6.6 <u>Special Rezoning Meetings</u> In order to efficiently review rezoning cases in accordance with Section 1-19-70 thru 79 of the Zoning Ordinance, the following special meeting procedures shall apply.
 - A) As required in the Zoning Ordinance a public hearing shall be held on rezoning applications. All review of rezoning cases shall take place in a public meeting or workshop. The order of the Agenda of cases shall be determined prior to the meeting by the Director of Planning.
 - B) Applicant testimony, the staff report, and reviewing agency comments will be presented to the Planning Commission at the Public Hearing held for this purpose.
 - C) Public testimony will be permitted in connection with review of rezoning applications during public hearings held for this purpose. The date and time of these hearings will be advertised no less than 14 days in advance of the hearings. The ordinary order of hearing and time limits for testimony shall be as follows:

Staff report & Recommendation

The applicant or the applicant's agent or attorney (30 minutes). Public comment (3 minutes per individual or 10 minutes per recognized organization). Applicant's rebuttal (5 minutes) (09-15-04)

- D) Written comments must be filed in advance of or at the Planning Commission meeting in order to be considered by the Commission in making its decision.
- E) The Planning Commission shall base its findings and recommendation on the information presented and within the time limits as required in the Zoning Ordinance.
- 6.7 The Commission may postpone or continue any case due to lack of quorum or for further study and information until a time as determined by the Commission but in no event longer than six (6) months, except where otherwise provided by law. (01-20-99) (10-19-05)
- 6.8 The Commission may require any additional relevant Planning materials in the form of maps, charts, reports, and studies, in order to reach a decision. (01-20-99)
- 6.9 The Chairman will allow reasonable cross-examination of witnesses at a time and in a manner considered reasonable by the Chairman under the circumstances. (01-20-99)
- 6.10 The Commission may vary any of these meeting procedures by a two thirds (2/3rds) vote of members present and voting, except where otherwise provided by law. (01-20-99) (09-15-04)

SECTION 7 – PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

- 7.1 The agenda shall be prepared by the staff who will consult with the Chairman on such matters of the agenda as may be appropriate. Members of the Commission who wish to add to the agenda shall first notify the Chairman of their request at least 15 days prior to the meeting. Unscheduled items shall be submitted to the appropriate division 45 days in advance of the desired meeting date for consideration. (04-12-77) (01-20-99) (10-19-05)
- 7.2 All applications for Zoning Map and Floating Zone Reclassifications, Zoning Text Amendment, Planned Unit Development (PUD) Mixed Use Development (MXD) or Comprehensive Plan Amendments must be filed at least sixty (60) days in advance of a public hearing by the Planning Commission. A copy of the Planning Staff Report on the Zoning Change, Planned Unit Development Mixed Use Development or Plan Amendment shall be available for Public Inspection at least ten (10) calendar days prior to the Public Hearing (08-12-75) (04-12-77) (01-20-99)
- 7.3 Petitions or request for action on public ways, grounds, spaces, buildings, structures, utilities or any other item which does not require public notice

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- (advertising), must be filed at least 45 days in advance of the scheduled meeting. (04-12-77) (10-19-05)
- 7.4 In rezoning cases, the Planning Commission shall submit its report and recommendation to the Board of County Commissioners in accordance with the procedures established in the Zoning Ordinance. (04-12-77)
- 7.5 Miscellaneous requests and petitions shall, from time to time, come before the Commission, either upon the initiation of an individual or agency or by reference from the governing body. In all cases, the Commission shall be guided by the principles set forth in the "Comprehensive Plan"; the "Subdivision Regulations" the "Zoning Ordinance"; and rules, regulations and ordinances of the County. All such matters shall be handled with as much dispatch as possible. Miscellaneous requests shall be submitted to the appropriate division 45 days in advance of the desired meeting date for consideration unless otherwise waived for an agency or governing body by the Division Director. (04-12-77) (10-19-05)
- 7.6 Withdrawal. Any item placed on the Commission's monthly agenda and then withdrawn by the applicant shall not be rescheduled until 60 days have elapsed unless otherwise provided by majority vote of the Commission. (01-20-99)
- 7.7 All applications for subdivision plat approval must be filed in accordance with the Subdivision Regulations. Subdivision applications for Preliminary Plats shall be reviewed by the Commission each month. The following subdivision application cases may also be reviewed by the Commission at any of the regular monthly meetings: Subdivision cases pertaining to 1) Appeals from staff decisions; 2) Continuance of case by the Commission; 3) when requested by the Planning Commission. (02-11-75) (02-11-76) (04-12-77) (4-11-79)
- **7.8** Any agenda item continued by the Commission shall not be rescheduled for 60 days unless otherwise provided by a majority vote of the Commission, or otherwise provided by law. (10-19-05)

SECTION 8 – FINAL DISPOSITION OF COMMISSION MATTERS

8.1 The disposition of all formal petitions and requests before the Commission requiring further action by the Board of County Commissioners, shall be in the form of a letter of recommendation to the Board of County Commissioners. In all matters, the Applicant shall be notified by letter of the action taken by the Commission.

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9.1 The Commission may delegate some of its authority to the Chairman in order to expeditiously and efficiently perform the work of the Commission. This would include such items as the signing of subdivision plat approvals and letters when the Commission has approved such documents. In the absence of the chairman, the vice-chair, or secretary may perform this work in order to expeditiously dispose of these administrative matters. (01-20-99) (09-15-04)

<u>SECTION 10 – RELATIONSHIPS WITH OTHER PLANNING COMMISSIONS, AGENCIES</u> AND GOVERNMENT BODIES

10.1 Though this Commission recognizes that its powers and responsibilities within the County do not extend to land within incorporated municipalities, the Commission will, where appropriate, assist and coordinate its activities with municipalities and their planning and zoning agencies, and on request provide staff assistance to those agencies within the limits of available resources. With those municipalities which have planning staffs, the Commission seeks out mutual cooperation.

SECTION 11 – COMMISSION – STAFF RELATIONSHIPS

- 11.1 The Commission, endorses the provisions of Title VI of the Civil Rights Act of 1964 pertaining to equal opportunity in employment. (01-20-99)
- 11.2 The Director of Planning or his designees is the normal contact for all routine communications between Commission members and the staff. The Director of the Division of Permitting and Development Review is the normal contact for preliminary/final plats and site plan agenda items. Commission members take no part in the daily routine of administration of regulations and research of matters of fact, although they do participate in field trips and discussions pertaining to the more significant matters to be considered at Commission meetings. (10-19-05)
- 11.3 Matters of policy and important changes in the administration of the Commission's affairs are developed by the Director of Planning on behalf of the Commission and presented for resolution to members at regular meetings.

SECTION 12 – AMENDMENTS

Amendments to these rules of procedure may be introduced at any meeting of the Commission and voted at any subsequent regular meeting, passage requiring majority vote of the membership, provided public notice is advertised in the newspaper at least fourteen (14) days prior to the vote on the amendment. (3-14-74) (09-15-04)

SECTION 13 – VARIANCE

Upon unanimous agreement of the members present at a regular meeting, these procedures may be modified for extenuating circumstances or as provided for in Sec. 6.10. (01-20-99)

RULES OF PROCEDURE OF THE FREDERICK COUNTY PLANNING COMMISSION (cont.)

The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended on the 12th day of April, 1977.

ATTEST: ATT		· .
The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended through the 11th day of April, 1979. ATTEST: ARTEST: ARTES	ATTEST:	•
Richard L. Grossnickle Chairman The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended through the 11th day of April, 1979. ATTESI: ATTESI: The foregoing is a true and correct copy of the Rules of Procedure of the Prederick County Planning Commission as amended through the 20th day of January, 1999. ATTEST: C. Scott Gove Chairman The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended through the 15th day of September, 2004. ATTEST: ALL LALL Lan E. Duke Gercetary The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended through the 15th day of September, 2004. ATTEST: ALL LALL Lan E. Duke Gercetary The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended through the 19th day of October, 2005. TEST: Brown Steve Kaii-Ziegler		1 . 1 1
Richard L. Grossnickle Chairman The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended through the 11th day of April, 1979. ATTEST: The foregoing is a true and correct copy of the Rules of Procedure of the Prederick County Planning Commission as amended through the 20th day of January, 1999. ATTEST: Richard L. Grossnickle Richard L. Grossnickle Richard L. Grossnickle Richard L. Grossnickle County Planning Commission as amended through the 20th day of January, 1999. The foregoing is a true and correct copy of the Rules of Procedure of the Frederick County Planning Commission as amended through the 15th day of September, 2004. ATTEST: ALL L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L. L.	· · · · · · · · · · · · · · · · · · ·	Field of Berneukla
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